

December 31, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY INFORMATION NOTICE NO. I-102-21  
PROVIDER INFORMATION NOTICE NO. 21-32-CRP**

This All County Information Notice (ACIN) and Provider Information Notice (PIN) provides county child welfare agencies, Title IV-E Agreement Tribes, juvenile probation departments, children's residential licensees and providers, resource families, and tribally approved homes with updated guidance and instructions regarding COVID-19 vaccination eligibility for minor foster youth 5 years of age and older. This ACIN/PIN supersedes [ACIN I-34-21](#), [ACIN I-42-21](#), [PIN 21-16-CRP](#), and [PIN 21-18-CRP](#).



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

December 31, 2021

ALL COUNTY INFORMATION NOTICE NO. ACIN I-102-21 (**Supersedes ACIN I-34-21 & I-42-21**)  
PROVIDER INFORMATION NOTICE PIN 21-32-CRP (**Supersedes PIN 21-16-CRP & 21-18 CRP**)

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY MENTAL HEALTH DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL INDEPENDENT LIVING PROGRAM MANAGERS  
ALL INDEPENDENT LIVING PROGRAM COORDINATORS  
ALL TRANSITIONAL HOUSING COORDINATORS  
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS  
ALL CDSS ADOPTION REGIONAL OFFICES  
ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES  
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS  
HOMES CERTIFIED/APPROVED BY A FOSTER FAMILY AGENCY  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: GUIDANCE REGARDING COVID-19 VACCINATION ELIGIBILITY FOR MINOR FOSTER YOUTH 5 YEARS OF AGE AND OLDER

REFERENCE: [HEALTH & SAFETY CODE § 1530.6](#); [WELFARE AND INSTITUTIONS CODE § 16519.57](#); [EDUCATION CODE § 48853.5 \(f\)\(8\)\(A\) & \(B\)](#); [GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY, MARCH 4, 2020](#); [ACIN I-34-21](#); [ACIN I-42-21](#); [PIN 21-16-CRP](#); AND [PIN 21-18-CRP](#).

The purpose of this dual All County Information Notice (ACIN) and Provider Information Notice (PIN) is to provide county child welfare agencies, Title IV-E Agreement Tribes, juvenile probation departments, children's residential licensees and providers, resource families, and tribally approved homes with guidance regarding COVID-19 vaccination eligibility for minor foster youth 5 years of age and older. This ACIN/PIN supersedes [ACIN I-34-21](#), [ACIN I-42-21](#), [PIN 21-16-CRP](#), and [PIN 21-18-CRP](#), and provides

updated guidance regarding the age at which minor youth in foster care may receive a COVID-19 vaccine (5 years of age and older rather than 12 years of age and older).

## **THE COVID-19 PANDEMIC**

The COVID-19 pandemic remains a significant challenge in California. COVID-19 vaccines are effective in reducing infection and serious impacts including hospitalization and death. Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most current hospitalizations and deaths are among unvaccinated persons.<sup>1</sup>

## **COVID-19 VACCINE ELIGIBILITY FOR YOUTH IN FOSTER CARE 5 YEARS OF AGE OR OLDER**

On October 29, 2021, the Food and Drug Administration approved the Pfizer-BioNTech COVID-19 Vaccine for emergency use in children 5 years of age and older. Based on this approval and the [Centers for Disease Control and Prevention's updated recommendations](#), California has authorized the COVID-19 vaccine, which is recommended by the American Academy of Pediatrics, for children 5 years of age and older. The Pfizer-BioNTech vaccine for children comes in a lower dose and with smaller needles than those used for people 12 and older<sup>2</sup>. Like the vaccine for adults and teens, it also will be given in 2 doses, at least 21 days apart. Boosters may be recommended on a routine basis within six months of receiving the second dose and/or in subsequent years. California has allocated more than 1.2 million vaccines for the 5-11 age group and is setting up 4,000 vaccine sites throughout the state. For additional information please visit the [November 3, 2021 publication from the Office of Governor Gavin Newsom](#) and the [California vaccination plan](#).

Parents are the primary medical rights holders and have the legal responsibility to make medical decisions for their children, unless the court has limited that decision-making ability. However, as vaccinations are considered "ordinary treatment" pursuant to [Health and Safety Code \(HSC\) section 1530.6](#) and [Welfare and Institutions Code \(WIC\) section 16519.57](#), a licensed or approved foster caregiver or congregate care provider (facility administrator or their designee) may consent to vaccinations for a foster youth<sup>3</sup> without permission from the caseworker

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<sup>1</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Covid19Vaccines.aspx>

<sup>2</sup> [https://www.cdc.gov/vaccines/covid-19/info-by-product/pfizer/downloads/Pfizer\\_PED\\_PrepAdmin.pdf](https://www.cdc.gov/vaccines/covid-19/info-by-product/pfizer/downloads/Pfizer_PED_PrepAdmin.pdf)

<sup>3</sup> For the purpose of this notice, "foster youth" includes minor dependents and wards who are 5 years of age and older, both child welfare and probation supervised.

or a court order unless a medical provider is not recommending the vaccine or there is a court order restricting the youth from receiving the vaccine. The caseworker should review all court orders and confirm that specific orders were not made regarding general medical care, vaccinations, or a COVID-19 vaccination specifically, which could require additional measures be taken prior to the provision of a COVID-19 vaccine. If the youth would like to receive the COVID-19 vaccination and/or it is being recommended by a medical provider, the caseworker should work with the parent, foster caregiver, or congregate care provider to ensure the youth has access to the vaccine. The youth or the youth's advocate may seek the advice of their legal counsel if they are having difficulty getting vaccinated. Additional information regarding consent is available in **Attachment A** titled "Consent to Treatment for Foster Youth by Custody and Placement."

It is important for caseworkers to engage caregivers, parents, and youth, as well as tribes and Indian custodians in cases involving an Indian child, in discussions about COVID-19 vaccination decisions as soon as possible. The foster care Public Health Nurses (PHNs) should also be included as they can provide critical health education regarding vaccination safety, efficacy, resources and support the youth through the process. Vaccine discussions should also be a part of Child and Family Team meetings (CFT) to ensure that youth, parents, caregivers, tribes and Indian custodians in cases involving an Indian child, and other important supportive adults have the opportunity to work together to inform the decision about the COVID-19 vaccine. For continuity of medical care, the treating pediatrician, physician, or other health care provider should be consulted if any concerns arise regarding vaccination decisions.

For the purpose of this notice, "foster caregiver" includes all home-based foster caregivers, such as resource families, certified family homes, and tribally approved homes, as well as children's residential providers, such as short-term residential therapeutic programs (STRTPs), transitional housing placement programs, and group homes, and temporary shelter care facilities. For congregate care providers, the facility administrator or their designee has the authority to authorize the COVID-19 vaccine for the foster youth in their care.

Nonminor dependents have reached the legal age of majority (18 years of age or older) and therefore have all of the legal decision-making authority as any other adult, including privacy regarding their medical conditions and the right to consent to receive treatment, including the ability to consent to COVID-19 vaccinations. Therefore, the questions and answers below only apply to minor foster youth 5 years of age and older.

## **FREQUENTLY ASKED QUESTIONS & ANSWERS**

Q: What is the policy for COVID-19 vaccinations if a minor youth 5 years of age or older in foster care requests to be vaccinated?

A: [HSC section 1530.6](#) and [WIC section 16519.57](#) state that vaccinations are considered ordinary care, and as such, may be consented to by the parent, legal guardian, or by the foster caregiver unless there is a court order to the contrary. For any eligible youth who is not currently vaccinated for COVID-19, and for whom neither the parent nor the caregiver have provided consent, the caseworker may want to consider scheduling a conversation with the parent, caregiver, and the youth's public health nurse, health care provider, and/or other qualified medical professional to discuss vaccination.

Q: Can youth (minors) in foster care make the decision to get vaccinated?

A: While it is important the foster youth be engaged in the discussion regarding getting a COVID-19 vaccine shot when age or developmentally appropriate, adult consent is required until the foster youth reaches 18 years of age. When discussing COVID-19 vaccination, youth may need additional support to address common fears of needles and shots, especially young children. It may be helpful to consult with the youth's physician and or mental health professional when considering options to assist in reducing fear and/or anxieties in children and youth who are uneasy about shots. If the parent, foster caregiver, or congregate care provider disagrees and doesn't consent to the youth getting vaccinated, the caseworker should work with all parties to see if an agreement can be reached. The youth or the youth's advocate may also seek the advice of their legal counsel.

Q: Can a foster caregiver make the decision to have a youth in foster care vaccinated?

A: Yes, if there are no conflicting court orders. Based upon [HSC section 1530.6](#) and [WIC section 16519.57](#), a foster caregiver may consent to a vaccine. Consent from the parent or foster caregiver where a court order has not removed their authority to make medical decisions for the foster youth is required in order for the foster youth under the age of 18 to be vaccinated.

Q: What happens if a biological parent and a foster caregiver disagree about COVID-19 vaccination?

A: If the court has not limited medical rights, a parent can provide consent to the vaccine. Likewise, unless there is an order to the contrary, a foster caregiver can provide consent to the vaccine. If there is a disagreement, the caseworker should encourage discussions and facilitate conversations with foster youth, parent(s), and caregivers to help them come to agreements. However, if an agreement cannot be reached, either the parent or the caregiver can request that the court make an order regarding the vaccination. For instance, the parent can ask the court to remove the authority from the foster caregiver to consent to the vaccine, or the foster caregiver can request the court override the parent's vaccination decision. However, absent an order from the court barring the foster caregiver from making that decision, the foster caregiver is legally authorized to give consent.

Q: Can a school delay enrollment if a foster youth does not have their COVID-19 vaccine?

A: No. Per [Education Code 48853.5 \(f\)\(8\)\(A\) & \(B\)](#), when there is agreement that the youth's best interests are served by transfer to a school other than the school of origin, the new school cannot delay enrollment if a foster youth is unable to produce proof of immunization or vaccination status. Please refer to local school districts regarding evolving COVID-19 vaccination policies.

Q: What happens if there is a conflict between the foster youth's educational needs and their vaccination status?

A: If disagreements arise regarding vaccination status and the impact on the foster youth's education, the caseworker should work with all parties, including the education rights holder, the caregiver, and the parent, to see if an agreement can be reached. The youth or the youth's advocate may also seek the advice of their legal counsel.

Q: How can caseworkers document COVID-19 vaccines in CWS/CMS?

A: While COVID-19 vaccinations are not currently included in the immunizations list available in CWS/CMS, COVID-19 vaccinations can be documented by selecting "Other" within Immunization Type in the CWS/CMS Client Services Health Notebook as described in **Attachment B**.

Q: Is additional information available about COVID-19 vaccine booster shots for children and youth?

A: On December 9, 2021 the CDC expanded COVID-19 booster recommendations to 16-and-17-year-olds. Per the media release titled "[CDC Expands COVID-19 Booster Recommendations to 16-and-17-year-olds](#)" initial data suggests that COVID-19

boosters help broaden and strengthen the protection against Omicron and other variants. At the time of this press release, only the Pfizer-BioNTech COVID-19 vaccine is authorized and recommended for adolescents aged 16 and 17. Please refer to the [CDC's COVID-19 website](#) for additional information and for future guidance about vaccination recommendations.

### **ADDITIONAL COVID-19 VACCINE INFORMATION**

California provides vaccination appointment information at <https://myturn.ca.gov>. For additional information, please see [CHDP's Provider Bulletin](#) or any of the following resources:

- California Department of Public Health's COVID-19 Vaccination Webpage <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Covid19Vaccines.aspx>
- American Academy of Pediatrics COVID-19 Clinical Guidance Q& A <https://services.aap.org/en/pages/covid-19-clinical-guidance-q-a/>
- Centers for Disease Control and Prevention (CDC) Guidance COVID-19 <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance.html>
- Administration for Children and Families COVID-19 Response and Resources <https://www.acf.hhs.gov/coronavirus#chapter-3>
- CDC COVID-19 Frequently Asked Questions <https://www.cdc.gov/coronavirus/2019-ncov/faq.html>

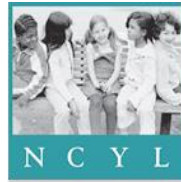
If you are a Title IV-E placing agency and have any questions or need additional guidance regarding the information in this ACIN, please contact the Placement Services Support Unit at (916) 657-1858 or [CFSD@dss.ca.gov](mailto:CFSD@dss.ca.gov). If you are a licensee and have any questions or need additional guidance regarding the information in this PIN, please contact the appropriate [Children's Residential Regional Office](#) or the Children's Residential Program Policy Bureau via email at [CRPOPpolicy@dss.ca.gov](mailto:CRPOPpolicy@dss.ca.gov).

Sincerely,

### ***Original Document Signed By***

ANGIE SCHWARTZ, Deputy Director  
Children and Family Services Division

KEVIN GAINES, Deputy Director  
Community Care Licensing Division



## Type of Health Care Service Needed by Minor

### **Custody Situation: Temporary Custody – Child taken into custody but 300 Petition not yet filed.**

#### **Emergency \***

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Social worker** <sup>2</sup> after reasonable efforts to obtain consent of or notify parent/guardian.
3. No consent/Licensed health provider may use **emergency exception** <sup>9</sup> if insufficient time to obtain consent from authorized person.

#### **Ordinary medical and dental care, including immunizations, physical exams, X-Rays**

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Social worker** <sup>3</sup> based on recommendation of health provider and only after notice to parent/legal guardian of care found to be needed. If parent/guardian objects, court must authorize care.

#### **All other general care**

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Social worker** <sup>3</sup> based on recommendation of health provider and only after notice to parent/legal guardian of care found to be needed. If parent/guardian objects, court must authorize care.

#### **Contraception, Pregnancy Testing, Abortion, Prenatal care, Sexual assault** <sup>10</sup>

1. **Minor** of any age.

#### **STD, Mental Health, Drug Treatment** <sup>11</sup>

1. **Minor** 12 and older.

#### **Psychotropic Medication**

1. **Parent/ Guardian** <sup>1</sup> unless court order in place limits parent right.
2. Court.



## **Custody Situation: Declared Dependent but not removed from parent custody**

### **Emergency \***

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Social worker** <sup>2</sup> after reasonable efforts to obtain consent of or notify parent/guardian.
3. **Emergency exception.** <sup>9</sup>

### **Ordinary medical and dental care, including immunizations, physical exams, X-Rays**

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Court** <sup>8</sup> may make an order authorizing care based on written recommendation of health provider, if no parent is capable or willing to authorize and after due notice to parent.

### **All other general care**

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Court** <sup>8</sup> may make an order authorizing care based on written recommendation of health provider, if no parent is capable or willing to authorize and after due notice to parent.

### **Contraception, Pregnancy Testing, Abortion, Prenatal care, Sexual assault** <sup>10</sup>

1. **Minor** of any age.

### **STD, Mental Health, Drug Treatment** <sup>11</sup>

1. **Minor** 12 and older.

### **Psychotropic Medication**

1. **Parent/ Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Court.**

**Custody Situation: Declared Dependent but not removed from parent custody + Care, custody and supervision placed with social worker/child welfare agency + Physical custody removed from parent.**

**Emergency \***

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. **Social worker** <sup>2</sup> after reasonable efforts to obtain consent of or notify parent/guardian.
3. **Emergency exception.** <sup>9</sup>

**Ordinary medical and dental care, including immunizations, physical exams, X-Rays**

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. Court may make order authorizing **social worker** to consent to care if after due notice to parent, it appears to court that there is no parent/guardian capable or willing to authorize care.<sup>4</sup>
3. **Court**<sup>8</sup> may make an order authorizing care based on written recommendation of health provider, if no parent is capable or willing to authorize and after due notice to parent.
4. **Licensed caregiver** <sup>6</sup> if placed pursuant to juvenile court order or voluntarily placed by person having legal custody.

**All other general care**

1. **Parent/Guardian** <sup>1</sup> unless court order in place limits parent right.
2. Court may make order authorizing **social worker** to consent to care if after due notice to parent, it appears to court that there is no parent/guardian capable or willing to authorize care.<sup>4</sup>
3. **Court**<sup>8</sup> may make an order authorizing care based on written recommendation of health provider, if no parent is capable or willing to authorize and after due notice to parent.

**Contraception, Pregnancy Testing, Abortion, Prenatal care, Sexual assault** <sup>10</sup>

1. **Minor** of any age.

**STD, Mental Health, Drug Treatment** <sup>11</sup>

1. **Minor** <sup>12</sup> and older.

**Psychotropic Medication**

1. **Court.** <sup>7</sup>
2. **Parent**, only if court has issued specific order delegating authority to parent upon finding parent poses no danger to child and has capacity to authorize psychotropic medication. <sup>7</sup>

**Custody Situation: Can a “licensed caregiver” consent to the following care? “Licensed caregiver” includes licensed foster parents and licensed community care facilities.**

**Emergency \***

1. Licensed caregiver may not consent without specific court order.

**Ordinary medical and dental care, including immunizations, physical exams, X-Rays**

1. **Licensed caregiver** <sup>6</sup> may consent if child was placed with caregiver pursuant to juvenile court order or voluntarily placed by person having legal custody.

**All other general care**

1. Licensed caregiver may not consent without specific court order.

**Contraception, Pregnancy Testing, Abortion, Prenatal care, Sexual assault <sup>10</sup>**

1. **Minor** must consent.

**STD, Mental Health, Drug Treatment <sup>11</sup>**

1. **Minor** 12 and older must consent.

**Psychotropic Medication**

1. **Licensed caregiver** may not consent.

**Custody Situation: Can a relative caregiver in planned permanent living consent to the following care?**

**Emergency \***

1. **Relative caregiver** in planned permanent living arrangement if court makes order authorizing relative to consent. <sup>5</sup>

**Ordinary medical and dental care, including immunizations, physical exams, X-Rays**

1. **Relative caregiver** in planned permanent living arrangement if court makes order authorizing relative to consent. <sup>5</sup>

**All other general care**

1. **Relative caregiver** in planned permanent living arrangement if court makes order authorizing relative to consent. <sup>5</sup>

**Contraception, Pregnancy Testing, Abortion, Prenatal care, Sexual assault <sup>10</sup>**

1. **Minor** must consent.

**STD, Mental Health, Drug Treatment <sup>11</sup>**

1. **Minor** 12 and older must consent.

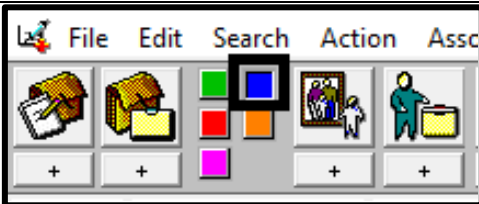

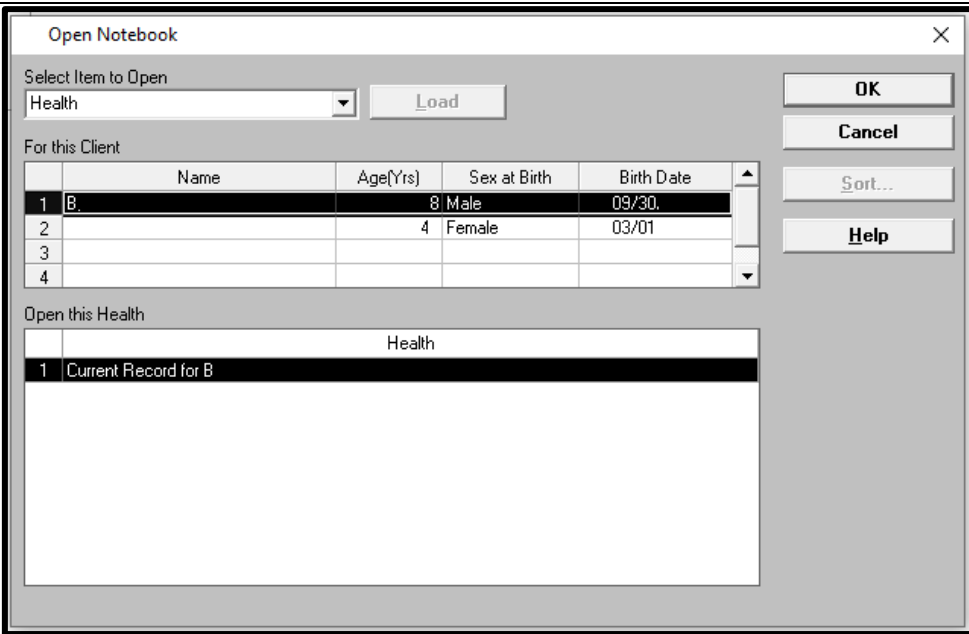

**Psychotropic Medication**

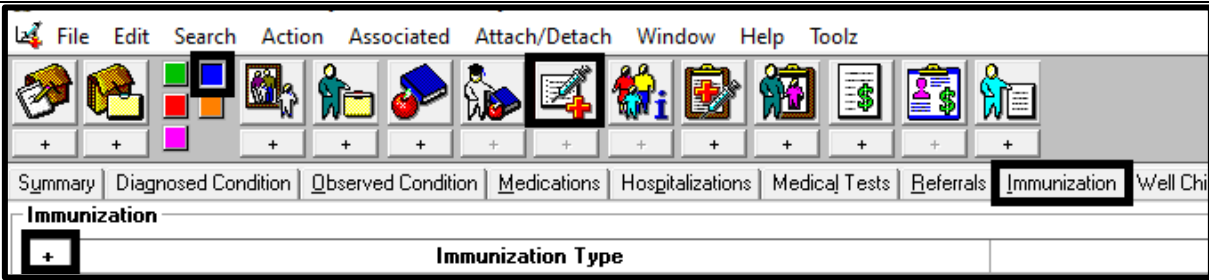
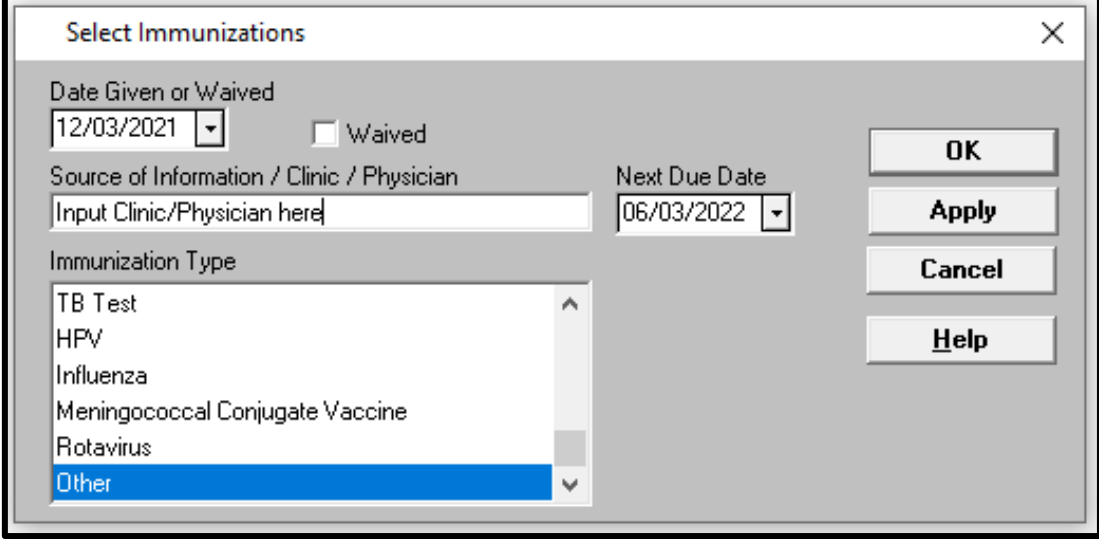
1. **Relative caregiver** may not consent.

## FOOTNOTES/LAW:

1. Welfare & Institutions Code § 361(a)(1); 369(f); 369(g).
2. Welfare & Institutions Code § 369(d).
3. Welfare & Institutions Code § 369(a).
4. Welfare & Institutions Code § 369(c).
5. Welfare & Institutions Code § 366.27(a) (“ If a court, pursuant to paragraph (5) of subdivision (g) of Section 366.21, Section 366.22, Section 366.25, or Section 366.26, orders the placement of a minor in a planned permanent living arrangement with a relative, the court may authorize the relative to provide the same legal consent for the minor's medical, surgical, and dental care as the custodial parent of the minor..”).
6. Health & Safety Code § 1530.6.
7. Welfare & Institutions Code § 369.5(a).
8. Welfare & Institutions Code § 369(b).
9. Business & Professions Code § 2397.
10. Foster youth of any age may consent to contraception, pregnancy testing, prenatal care, abortion (Family Code § 6925), and sexual assault services (Fam. Code § 6928). Welfare & Institutions Code § 369(h); *American Academy of Pediatrics v. Lngren*, 16 Cal.4<sup>th</sup> 307 (1997).
11. Foster youth 12 and older may consent to prevention, diagnosis and treatment of sexually transmitted diseases (Family Code § 6926), diagnosis and treatment of infectious, contagious or communicable diseases that are required to be reported (Family Code § 6926), outpatient mental health treatment or counseling if in the opinion of the professional person, the minor is mature enough to participate intelligently in the treatment (Family Code § 6924, Health & Safety Code § 124260), and medical care and counseling relating to the diagnosis and treatment of a drug or alcohol related problem (Family Code § 6929).

## CWS/CMS Client Services – Health Notebook – COVID Vaccine

Step/description	Screenshot
1. After selecting the appropriate Case in Client Services, Select the “Client Management” Section (blue box).	
2. Select “Open Existing Health” Notebook Icon.	
3. Select the Client you are adding the immunization information for, then select the “Current Record for” the given client, and then click “OK.”	
4. Select the “Immunization” Page (tab).	

<p><b>Step/description</b></p> <p>5. Select the "+" button in the upper left-hand corner of the Immunization page, to add an Immunization.</p>	
<p>6. "Select Immunizations" window will open. Select the date given or waived, the source of the information, the next due date, and under the "Immunization Type," select "Other," then click "OK."</p>	
<p>7. Complete the remaining highlighted fields. Type "COVID-19 Vaccination" in the "Comments/Results" Box.</p>	